

REMARKS/ARGUMENTS

The Office Action dated March 30, 2007 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has canceled Claim 14 and amended Claims 1, 4, 7, 15-17 and 19 which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-13 and 15-20 in condition for allowance.

In the Office Action, the Specification and Drawings have been objected to for not providing support for "at least a first and second cover part" in Claim 1 and "a fourth projection" in Claim 7. In response, Applicant has amended Claim 1 to delete the phrase "at least" and has amended Claim 7 to clearly define the projection (80) shown in Figure 20 and 22A-22C of the Drawings, and described in the Specification on page 15, beginning at line 3. Accordingly, it is believed that the Specification and Drawing objections have been overcome.

Also in the Office Action, Claims 1-20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has set forth the specific grounds for each rejection in the Office Action. In response, Applicants have amended Claims 1, 4, 7 and 15 to address each rejection. Accordingly, it is believed that the §112 rejections have been overcome.

Further in the Office Action, Claims 1, 8, 9, 13 and 18 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,454,090 to Flores. Claims 2-6, 10-11 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Flores patent in view of U.S. Patent 6,398,022 of Mou, et al., Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Flores patent in view of U.S. Patent No. 6,805,238 to Iandoli, et al. and Claims 14-17 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Flores patent in view of U.S. Patent No. 5,429,240 to Biebel, et al. The Examiner states that the Flores patent discloses a device for holding an information carrier including a receiving means disposed on a first part and having first and second locking means, as defined in Claims 1, 8, 9, 13 and 18. The Examiner states

that the additional cited references disclose the features recited in the remaining dependent claims.

Amended Claim 1

In response, Applicant has amended Claim 1 by incorporating therein the limitations of dependent Claim 14 and has canceled Claim 14. Specifically, Claim 1 now defines a packaging device including a pivotal or bendable edge part having a locking means which releases an information carrier when the packaging device is opened. It is respectfully submitted that none of the cited prior art references, taken alone or combined, discloses a pivotal or bendable edge part, as defined in amended Claim 1.

In particular, the pivoting door 68 disclosed in the Biebel patent (cited against original Claim 14) is very different than the pivoting edge part defined in Claim 1. For example, the door disclosed in the Biebel patent does not release an information carrier from the receiving means "with the package open", as defined in amended Claim 1. Instead, the door of the Biebel device is operable only with the package closed. Once the package is opened, the door has no function.

Also, the door disclosed in the Biebel patent does not have a locking means which is pulled away from an information carrier as the door is pivoted. Instead, the door 68 is merely provided with a relief 22 to provide clearance for the object placed in the device.

Accordingly, for all of the foregoing reasons, it is respectfully submitted that amended Claim 1, and the claims that depend therefrom, patentably distinguish over the prior art.

Dependent Claims 16 and 17

It is also noted that the door disclosed in the Biebel patent is not retained in the second cover part such that it is prevented from pivoting or bending when the package is closed, as defined in Claim 16. Nor is the door a corner part, as defined in Claim 17. Quite the contrary, the full-panel door disclosed in the Biebel patent is designed specifically to pivot when the package is closed. Accordingly, for these additional reasons it is respectfully submitted that dependent Claims 16 and 17 patentably distinguish over the prior art.

Amended Claim 7

Applicant has also rewritten Claim 7 in independent form to define a receiving means having a third projection which is pivotable between a first position for retaining a top side of an information carrier and a second position, wherein the projection projects under an underside of the information carrier received in the device facing the closing surface of the first cover part and presses the information carrier at least partly from the receiving means. It is respectfully submitted that none of the cited prior art references, taken alone or combined, discloses a locking projection, as defined in amended Claim 7.

Instead, the Iandoli patent (cited against original Claim 7) discloses a retaining lip 50 disposed within a hub of the packaging device. The lip 50 is not pivotable between a first position and a second position, wherein, in its first position, it retains a top side of an information carrier and, in its second position, it projects under an underside of the information carrier so as to press the information carrier away from the package, as defined in amended Claim 7.

Accordingly, it is respectfully submitted that amended Claim 7 patentably distinguishes over the prior art.

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-13 and 15-20 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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